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By: **Delegates Owings and O'Donnell**  
Introduced and read first time: February 2, 2004  
Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Public School Dropouts**

3 FOR the purpose of providing that certain students of a certain age who wilfully fail  
4 to attend school or receive certain instruction for a certain period of time shall  
5 be deemed dropouts and to have withdrawn from public school under certain  
6 circumstances; and generally relating to dropouts from public schools.

7 BY repealing and reenacting, with amendments,  
8 Article - Education  
9 Section 7-301  
10 Annotated Code of Maryland  
11 (2001 Replacement Volume and 2003 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Education**

15 7-301.

16 (a) (1) Except as otherwise provided in this section, each child who resides  
17 in this State and is 5 years old or older and under 16 shall attend a public school  
18 regularly during the entire school year unless the child is otherwise receiving regular,  
19 thorough instruction during the school year in the studies usually taught in the public  
20 schools to children of the same age.

21 (2) In accordance with regulations of the State Board of Education, a  
22 child who resides in this State and is 5 years old may be exempted from mandatory  
23 school attendance for 1 year if the child's parent or guardian files a written request  
24 with the local school system asking that the child's attendance be delayed due to the  
25 child's level of maturity.

26 (3) Except as provided in subsection (f) of this section or in regulations of  
27 the State Board of Education, each child who resides in this State shall attend a  
28 kindergarten program regularly during the school year prior to entering the first

1 grade unless the child is otherwise receiving regular, thorough instruction in the  
2 skills and studies usually taught in a kindergarten program of a public school.

3 (b) A county superintendent, school principal, or an individual authorized by  
4 the county superintendent or principal may excuse a student for a lawful absence.

5 (c) (1) Each person who has legal custody or care and control of a child who  
6 is 5 years old or older and under 16 shall see that the child attends school or receives  
7 instruction as required by this section.

8 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A  
9 STUDENT AGE 14 OR OLDER SHALL BE DEEMED A DROPOUT AND TO HAVE  
10 WITHDRAWN FROM SCHOOL IF THE STUDENT:

11 (I) WILFULLY FAILS TO ATTEND SCHOOL OR RECEIVE  
12 INSTRUCTION AS REQUIRED BY THIS SECTION FOR A PERIOD OF MORE THAN 90  
13 CONSECUTIVE SCHOOL DAYS; AND

14 (II) IS NOT EXCUSED FROM ATTENDING SCHOOL BY A PERSON  
15 SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION.

16 (d) (1) This section applies to any child who has a mental, emotional, or  
17 physical handicap.

18 (2) This section does not apply to a child:

19 (i) Whose mental, emotional, or physical condition makes his  
20 instruction detrimental to his progress; or

21 (ii) Whose presence in school presents a danger of serious physical  
22 harm to others.

23 (3) With the advice of the school principal, supervisor, pupil personnel  
24 supervisor, or visiting teacher and with the written recommendation of a licensed  
25 physician or a State Department of Education certified or licensed psychologist, the  
26 county superintendent may:

27 (i) Make other appropriate provisions for the free education of any  
28 student excepted from attendance under paragraph (2) of this subsection; or

29 (ii) Permit the parents or guardians of that student to withdraw  
30 him from public school, for as long as the attendance of the child in a public school  
31 would be detrimental to his progress or his presence in school would present a danger  
32 of serious physical harm to others.

33 (4) If a child is withdrawn from a public school under this subsection, the  
34 county board shall make other appropriate provisions for the education of the child.

1 (5) If an appropriate educational placement is not available immediately,  
2 the county board shall make interim provisions for the education of the child until an  
3 appropriate placement becomes available.

4 (e) (1) Any person who induces or attempts to induce a child to absent  
5 himself unlawfully from school or employs or harbors any child who is absent  
6 unlawfully from school while school is in session is guilty of a misdemeanor and on  
7 conviction is subject to a fine not to exceed \$500 or imprisonment not to exceed 30  
8 days, or both.

9 (2) Any person who has legal custody or care and control of a child who is  
10 5 years old or older and under 16 who fails to see that the child attends school or  
11 receives instruction under this section is guilty of a misdemeanor and:

12 (i) For a first conviction is subject to a fine not to exceed \$50 per  
13 day of unlawful absence or imprisonment not to exceed 10 days, or both; and

14 (ii) For a second or subsequent conviction is subject to a fine not to  
15 exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or  
16 both.

17 (3) As to any sentence imposed under this section, the court may  
18 suspend the fine or the prison sentence and establish terms and conditions which  
19 would promote the child's attendance. The suspension authority provided for in this  
20 subsection is in addition to and not in limitation of the suspension authority under §  
21 6-221 of the Criminal Procedure Article.

22 (f) A child may be exempted from attending kindergarten if a parent or  
23 guardian of the child files a written request with the local school system and verifies  
24 that the child is enrolled:

25 (1) Full time in a licensed child care center;

26 (2) Full time in a registered family day care home; or

27 (3) Part time in a Head Start 5 year old program.

28 (g) Kindergarten programs are not subject to the requirements of § 7-103(a) of  
29 this title relating to minimum days or hours of operation.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2004.